

## **REMARKS**

Original claims 1-10 and 12-15, and new claims 16-26 and 28-42 are pending in the present reissue application, and are subject to the Final Rejection in the Official Action mailed February 16, 2011. A prior Amendment and Response to this Official Action, filed May 16, 2011, was not entered, as noted in the Advisory Action mailed June 6, 2011. The present Supplemental Amendment and Response accordingly is being submitted with a concurrently filed Request for Continued Examination and addresses the issues raised in the February 16, 2011 Official Action and subsequent June 6, 2011 Advisory Action. By the present Supplemental Amendment and Response, and in accordance with 37 CFR § 1.173(b) and MPEP § 1453, amendments were made to claims 1, 10 and 12. New claims 16-26 and 28-42 previously were added to the present Application for Reissue Patent, with Claims 16, 26 and 32 having been amended in the Responses filed June 29, 2003, February 24, 2010, July 9, 2010 and November 2, 2010, and claim 31 having been amended in the Response filed July 9, 2010. Further amendments to new claims 16, 26 and 32 are being made by the present Supplemental Amendment and Response, which amendments and the support therefor, are discussed below as required by the June 6, 2011 Advisory Action. Original claim 11 and previously submitted new claims 25 and 27 have now been canceled. Claims 1-10, 12-15, 16-24, 26 and 28-42 accordingly are pending in the present Application for Reissue Patent. No new matter is believed to be added by this amendment.

### **A. Support for Claim Amendments/New Claims**

Pursuant to the provisions of 37 C.F.R. § 1.173(b)(2), Applicant hereby identifies support for the amendments to original claims 1, 10 and 12 and new claims 16-24, 26 and 28-42 of the present reissue application, as set forth above, in the specification of the '847 patent:

Claim 1 as presently pending recites a ridge ventilation system comprising a plurality of ridge vent sections each having ends and longitudinal edges and configured to be arranged end-to-end so as to cover an open ridge of a roof, and with each ridge vent section having a laterally flexible central panel flanked by ventilation grids that extend along and are inboard of the longitudinal edges; and with a plurality of fasteners being located between the longitudinal edges of at least some of the ridge vent sections, the plurality of fasteners being removably secured to the ridge vent sections at a series of first locations and thereafter being removable by an installer for use along the ridge vent sections at selected locations that are different from the first

locations for fastening the ridge vent sections to a roof. Support for Claim 1 as presently amended can be found in Claim 1 of the '847 patent as issued and in the specification at col. 7, line 57 – col. 8, line 40 and at Fig. 8.

Original Claim 10, as presently pending, recites a ridge ventilation system comprising a plurality of ridge vent sections each having ends and longitudinal edges and configured to be arranged end-to-end for covering an open ridge of the roof, with each of the ridge vent sections having a laterally flexible central panel flanked by ventilation grids, a drain for diverting water that may seep into the junction between a pair of end-to-end ridge vent sections, and with the drain comprising a laterally extending trough integrally formed on and extending along one end of each of the ridge vent sections, the trough being sized and configured to underlie the junction between two joined ridge vent sections to receive water and divert water toward said ventilation grids of the ridge vent sections. Support for this claim can be found in Claim 10 of the '847 patent as issued and in the patent specification at col. 5, lines 31-49 and in Figs. 1-6.

Claim 12, which is dependent from Claim 10, has been amended to further recite a plurality of fasteners removably secured to each of the ridge vent sections between the longitudinal edges thereof. Support for this claim can be found in the specification at col. 7, line 57 – col. 8, line 2 and in Fig. 8 of the '847 patent as issued.

New claim 16 claims a ridge ventilation system having a plurality of ridge vent sections configured to be arranged end-to-end covering an open ridge of a roof, with each ridge vent section having a laterally flexible central panel flanked by ventilation grids, and a plurality of fasteners stowed on at least one of the ridge vent sections for use in fastening the ridge vent section to a roof. New claim 16 has been amended to recite integrally formed features configured to receive and releasably hold the fasteners in storage positions along said ridge vent sections. Support for this claim is found in claim 1 of the '847 patent as issued and in the specification at col. 2, lines 44-52 and lines 54-57; at col. 8, lines 15-20 and lines 31-36; and in Fig. 8.

New claim 17 claims the ridge ventilation system of claim 16 and further comprises wind baffles positioned outboard of the ventilation grids. Support for this claim is found in the specification of the '847 patent as issued at col. 2, lines 57-60.

New claim 18 claims the ridge ventilation system of claim 17 and wherein each wind baffle is supported by an array of buttresses extending between the wind baffle and the corresponding ventilation grid. Support for this claim is found in the specification of the '847 patent as issued at col. 5, lines 38-41.

New claim 19 claims the ridge ventilation system of claim 16 and wherein the fasteners are nails. Support for this claim is found in the specification of the '847 patent as issued at col. 8, lines 3-6.

New claim 20 claims the ridge ventilation system of claim 17 and further comprises a drain trough formed between each ventilation grid and the corresponding wind baffle, weep holes formed along each drain trough, and upstanding barriers positioned along the drain trough and aligned with the weep holes. Support for this claim is found in the specification of the '847 patent as issued at col. 3, lines 31-44.

New claim 21 claims the ridge ventilation system of claim 16 wherein the fasteners are driven into holes formed along the lengths of the ridge vent sections. Support for this claim is found in the specification of the '847 patent as issued at col. 7, line 47.

New claim 22 is directed to the ridge ventilation system of claim 21 wherein the holes are disposed within the laterally flexible panel. Support for this claim is found in the specification of the '847 patent as issued at col. 7, lines 39-47; col. 8, lines 31-35; and Figs. 1-6 and 8.

New claim 23 claims the ridge ventilation system of claim 22 wherein the fasteners comprise nails. Support for this claim is found in the specification of the '847 patent as issued at col. 8, lines 3-6.

New claim 24 claims the ridge ventilation system of claim 16 wherein there are a sufficient number of fasteners to fasten the ridge vent section to the roof and shingles to the ridge vent section. Support for this claim is found in the specification of the '847 patent as issued at col. 8, lines 3-6.

New claim 26 claims a ridge ventilation system having a plurality of ridge vent sections each of which includes a laterally flexible central panel with holes therein and flanked by ventilation grids, a plurality of fasteners carried by at least one of the ridge vent sections. New claim 26 further has been amended to recite that the fasteners are removable from the storage position for disposition

in a fastening position different from said storage position after the vent sections are arranged and fastened on the roof. Support for this claim is found in Claim 1 of the '847 patent as issued and in the specification at col. 2, lines 44-52 and lines 54-57; col. 7, lines 39-47; col. 8, lines 13-20 and lines 31-36; and in Fig. 8.

New claim 28 claims the ridge ventilation system of claim 26 and further comprises wind baffles positioned outboard of the ventilation grids. This claim is supported by the specification of the '847 patent as issued at col. 2, lines 57-60.

New claim 29 claims the ridge ventilation system of claim 26 and further comprising an array buttresses extending between at least one of the wind baffles and the corresponding ventilation grid. Support for this claim is found in the specification of the '847 patent as issued at col. 5, lines 38-41.

New claim 30 claims the ridge ventilation system of claim 26 wherein the plurality of fasteners includes a number of fasteners sufficient to fasten the ridge vent section to a roof and to fasten shingles over the ridge vent section. Support for this claim is found in the specification of the '847 patent as issued at col. 8, lines 3-6.

New claim 31 as presently pending claims a ridge ventilation system of claim 26 and wherein the plurality of fasteners is removably carried by the ridge vent sections. Support for this claim is found in the specification of the '847 patent as issued at col. 8, lines 31-35.

New claim 32 as presently pending claims a ridge vent section comprising a central panel and a ventilation grid formed along an edge of the central panel with a fastener stowed on the ridge vent section for fastening the section to a roof. New claim 32 further has now been amended to recite that the fastener is releasably held by the features and has a first position when stowed in the features and a second position different from the first position when fastening the ridge vent section to the roof. Support for this claim is found in Claim 1 of the '847 patent as issued, and in the specification at col. 2, lines 49-52 and lines 54-57; col. 8, lines 15-20 and lines 31-36; and in Fig. 8.

New claim 33 claims the ridge vent section of claim 32 and further comprising a hole in the panel. Support for this claim is found in the specification of the '847 patent as issued at col. 7, lines 39-47; col. 8, lines 31-35 and Figs. 1-6 and 8.

New claim 34 claims the ridge vent section of claim 33 wherein the fastener is driven into the hole when fastening the ridge vent section to a roof. Support for this claim is found in the specification of the '847 patent as issued at col. 7, line 47 and col. 8, beginning at line 6.

New claim 35 claims the ridge vent section of claim 34 wherein the fastener comprises a nail. Support for this claim is found in the specification of the '847 patent as issued at col. 8, lines 3-6.

New claim 36 claims the ridge vent section of claim 32 wherein the central panel is laterally flexible. Support for this claim is found in the specification of the '847 patent as issued at col. 2, lines 49-52.

New claim 37 claims the ridge vent section of claim 32 and further comprises a wind baffle positioned outboard of the ventilation grid. This claim is supported by the specification of the '847 patent as issued at col. 2, lines 57-60.

New claim 38 claims the ridge vent section of claim 37 and also includes a drain trough formed between the ventilation grid and the wind baffle. Support for this claim is found in the specification of the '847 patent as issued at col. 3, lines 31-33.

New claim 39 claims the ridge vent section in claim 38 and further comprises a weep hole formed in said drain. Support for this claim is found in the specification of the '847 patent as issued at col. 3, lines 34-36.

New claim 40 claims the ridge vent section of claim 32, wherein said features are disposed along said ventilation grids. Support for this claim is found in the specification of the '847 patent as issued at col. 7, l. 63-col. 8, l. 20; and in Fig. 8.

New claim 41 claims a ridge ventilation system as claimed in claim 16, wherein said features are disposed along said ventilation grids. Support for this claim is found in the specification of the '847 patent as issued at col. 7, l. 63-col. 8, l. 20; and in Fig. 8.

New claim 42 claims a ridge ventilation system as claimed in claim 26, wherein said features are disposed along said ventilation grids. Support for this claim is found in the specification of the '847 patent as issued at col. 7, l. 63-col. 8, l. 20; and in Fig. 8.

**B. Response to Objection to Format of Amendments**

The February 16, 2011 Official Action, on page 2, notes that the format of the amendments filed November 2, 2010 not in compliance with the requirements of 37 C.F.R. § 1.173. Accordingly, original claims 1, 10 and 12 have been corrected to indicate the amendments being made to these claims as originally issued, as is required under 37 CFR § 1.173(b) and MPEP § 1453. In addition, new claims 16-24, 26 and 28-42 are being presented with the entirety of these claims being underlined as required under 37 C.F.R. § 1.173(b) and MPEP § 1453 V.D. It therefore is respectfully submitted that the format of the amendments to the originally issued claims and the new claims being added in this reissue application are now in compliance with 37 C.F.R. § 1.173 and MPEP § 1453. Additionally, amendments currently being made to new claims 16, 26 and 32 are identified and discussed in Section A above, as required by the June 6, 2011 Advisory Action.

**C. Claim Rejections**

**1. Claims 1, 16-19, 21-26 and 28-42**

Claims 1, 16-19, 21-26 and 28-42 have been rejected under 35 U.S.C. § 103(a) as purportedly being unpatentable over *Smith* (U.S. Patent No. 5,772,502) in view of *Zampini, Jr., et al.* (U.S. Patent No. 4,083,448) and in further view of *Sharp* (U.S. Patent No. 6,165,066), with the rejection asserting that these references, when considered together, purportedly teach all the elements recited by Claims 1, 16-19, 21-26 and 28-42. In particular, Claims 1, 16-19, 21-26 and 28-39 appear to be rejected based upon the combination of *Smith* and *Zampini, Jr. et al.*, claims 40-42 are rejected based upon the combination of *Smith* and *Zampini Jr. et al.* in further view of *Sharp*.

Principally, with regard to independent Claims 1 and 16, the rejection asserts that *Smith* purportedly discloses the invention as substantially recited in these claims. However, the rejection acknowledges that, with respect to Claim 1, *Smith* fails to disclose a “plurality of fasteners [that] are removably secured to each of the ridge vent sections, said fasteners being positioned to be removed by an installer of the ridge ventilation system” while with respect to Claim 16, it is acknowledged that *Smith* fails to disclose “the plurality of fasteners are stowed in respective features on at least one of said ridge vent sections between opposed longitudinal edges

thereof prior to arrangement of ridge vent sections on a roof.” The rejection thereafter cites *Zampini, Jr., et al.* as purportedly teaching “an apparatus packaged together with the attachment means therefor having a plurality of fastener elements (e.g., screws 28 and 30)” being removably secured to the package by plastic or wax end caps. The rejection concludes that “when *Smith* is viewed in light of *Zampini, Jr., et al.*, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the ridge ventilation system of *Smith* by providing each ridge vent section (20) with a plurality of fasteners (e.g., nails) in holders removably secured between the longitudinal peripheral edges of each vent section (20) via a plastic or wax end cap for removal during installation, as taught by *Zampini, Jr., et al.*, in order to save time and labor for an installer working at the jobsite by ensuring that the affixing fasteners are provided on the device being installed.” Applicant respectfully requests reconsideration.

The present rejection of at least Claims 1, 16-19, 21-26 and 28-39 based upon the proposed combination of *Smith* as modified in view of *Zampini, Jr., et al.* appears to be using the supporting rationale of a teaching, suggestion, or motivation in the prior art (i.e., “to save time and labor for an installer working at a jobsite”) that purportedly would have led one of ordinary skill in the art to try to modify the ridge ventilation system of *Smith* to provide each ridge vent section with fasteners removably secured between longitudinal edges thereof via plastic or wax end caps in which the fasteners are received and held, according the wall plate package with wax screw socket as taught by *Zampini, Jr., et al.* As discussed in MPEP § 2143, “[T]he Supreme Court in *KSR International Co. v. Teleflex, Inc.*, 550 U.S. \_\_\_, \_\_\_, 82 USPQ 2d 1385, 1395-97 (2007) identified a number of rationales to support a conclusion of obviousness which are consistent with the proper ‘functional approach’ to the determination of obviousness as laid down in *Graham*.” Included among these analyses, at MPEP § 2143(G) is the rationale that there is “some teaching, suggestion, or motivation in the prior art that would have led one of ordinary skill in the art to modify the prior art reference or to combine the prior art reference teaching to arrive at the claimed invention.” However, MPEP § 2143(G) further provides that:

To reject a claim based on this rationale, Office personnel **must** resolve the *Graham* factual inquiries. Then, Office personnel **must** articulate the following:

- (1) A finding that there was some teaching, suggestion, or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings;
- (2) A finding that there was reasonable expectation of success; and
- (3) Whatever additional findings based on the *Graham* factual inquiries may be necessary, in view of the facts of the case under consideration, to explain the conclusion of obviousness.

See MPEP § 2143(G) (emphasis added). Thus, while the courts have clarified that the teaching, suggestion or motivation test is flexible and an explicit suggestion to combine prior art is not necessary under this “rationale,” it is still necessary that there be some motivation or suggestion to combine the art to achieve the claimed invention and that there would have been a reasonable expectation of success at such a combination to support a conclusion that the claim would have been obvious to one of ordinary in the art, and further, any such reasoning or “analysis supporting a rejection under 35 U.S.C. § 103 should be made explicit.” (See MPEP § 2143).

Applicant respectfully submits that a person of ordinary skill in the art with respect to ridge ventilation systems would not necessarily look to try to combine the wall plate package with the wax screw sockets as taught by *Zampini, Jr., et al.* with a ridge vent system as taught by *Smith*, and that any attempt to combine or otherwise provide removable fasteners in the ridge ventilation system of *Smith* would not have been apparent or realized absent a review of applicant’s invention.

As an initial matter, Applicant respectfully points out that at page 13 of the Official Action, it is expressly acknowledged that “Smith in view of Zampini does not teach fasteners being positioned to be removed by an installer of a ventilation system for use at locations different from first locations in fastening the vent sections to a structure,” which limitation is recited in claim 1; “or the fasteners being in a storage position prior to arrangement of the vent sections on a roof and being in a fastening position different from the storage position when the vent sections are fastened to the structure,” which limitation is recited by claim 16. (See Page 13 (emphasis added)). Accordingly, by this express acknowledgement of the Official Action of the failure of the cited combination of *Smith* in view of *Zampini, Jr., et al.* to teach all of the



limitations recited by claims 1 and 16, the rejection of claims 1 and 16-19, 21-26 and 28-39 under 35 USC § 103(a) over *Smith* in view of *Zampini, Jr., et al.* is not supported and should be withdrawn.

Additionally, combining *Smith* and *Zampini, Jr., et al.*, when considered in their entireties, would not be successful or practical in trying to form the claimed invention. *Smith* is particularly directed to an adjustable pitch ridge vent system which includes ventilation means 58 and 60 located along the side edges of the ridge vent sections, as illustrated in Figs. 1-3. Notably, the ventilation sections 58 and 60 include a series of openings “for allowing air to escape from within the building’s attic, out the opening 40,” and which each include a plurality of spaced ribs 66 defining ventilation openings 68 therebetween. (See Col. 3, ll. 30-36). Still further, the adjacent gutters 70 and 72 of the *Smith* roof vent appear to be designed with specific desired or preferred angles, sizes/lengths and shapes, including upturned lips 82 and 84 that “create a region of low pressure adjacent louvered openings 68 and draws air through louvered openings 68 of ventilation means 58, 60 from underneath the roof vent 20, thereby causing air to be drawn out of the building’s attic and out of opening 40, thereby cooling and ventilating the attic.” (See Col. 3, ll. 36-61 and Col. 4, ll. 5-19). Thus, *Smith* teaches a very specifically designed construction of a roof vent including a series of lateral vent openings and a specific design of the lengths and angles of the gutters formed therealong to facilitate escape of air out of the roof’s peak so as to pass from under the vent and out of the ventilation openings 68 formed along the sides of the roof vent. It is, however, unclear from the rejection as to how the fasteners of *Zampini, Jr., et al.*, which are held in place by wax or plastic molded sockets, would or even could be applied to the adjustable pitch roof vents of *Smith* in a practical manner without affecting the preferred design and construction of *Smith*.

As noted in the Official Action, *Zampini, Jr., et al.* teaches a wall plate package with a grooved wax or plastic socket for the packaging of wall plates for electrical sockets or light switches, as indicated in Fig. 1 thereof. Importantly, this wax or plastic socket is “formed directly about the threads 50 of screw 28. The plastic nut is in fact itself internally threaded as it is formed directly about the threads of the screw 28 from a molten state. (See. Col. 3, ll. 28-34). Thus, while *Zampini, Jr., et al.* teaches a fastener removably secured to a plastic or wax socket, it further teaches/requires that this socket be formed by the application of molten plastic or wax to the screw threads themselves after the screw has been inserted into the package so that the

“plastic nut is in fact itself internally threaded as it is formed directly about the threads of the screw 28 from a molten state.” (See *Id.*). The rejection, however, fails to account for the this requirement of *Zampini, Jr., et al.* of physically molding the socket fasteners and how such a required feature/process could or would be utilized for attaching roofing nails to the roof vents of *Smith*.

As recognized by the Supreme Court in *KSR*, the mere fact that references can be combined or modified does not render the resulting combination obvious unless the results would have been predictable to one of ordinary skill in the art. (See MPEP § 2143.01). Still further, it has been well settled that, in combining prior art references, it is not appropriate to simply pick and choose various features thereof, but rather the prior art references must be considered in their entirety. (See MPEP § 2141.02.) Thus, it is not appropriate to simply cite *Zampini, Jr., et al.* as showing fasteners releasably attached to a card and assert that such wax socket secured fasteners can be combined with *Smith's roof vents* without consideration or inclusion of the entirety of the teaching of *Zampini, Jr., et al.* Following the entirety of the teachings of *Zampini, Jr., et al.* therefore would appear to require that screws or other fasteners first be driven into and/or through the body of the *Smith* ridge vents and thereafter a molten plastic or wax material be applied thereto so as to bond the fasteners to the ridge vents. Such a mounting of the fasteners in the mounting holes of *Smith* and sealing them in place according to the teachings of *Zampini, Jr. et al.* simply is not practical, as such an arrangement thereafter would require removal of all the fasteners and their wax/plastic sockets from the ridge vent sections before the ridge vent sections could be properly seated and installed on the roof. In addition to requiring the installer to do significant extra work to remove all the fasteners, this proposed combination further would require the installer to have to hold the remaining fasteners during installation of each fastener, thus defeating any savings of time and labor for the installer provided by having the fasteners removably secured in accessible first positions so that each fastener can be selectively removed and installed as needed by the installer. The application of molten plastic or wax also potentially would/could interfere with the required ventilation openings 68 formed along the sides of the *Smith* roof vents by clogging or sealing such openings.

Moreover, the rejection further fails to recognize or understand the environment in which the claimed invention is to be used. As noted, the claimed invention is designed to be installed on a roof, over the peak or ridge thereof. Thus, an installer typically will be standing on an

angled or sloped roof surface and will be applying the ridge vent over the top of the ridge or peak of the roof, which could be upwards of 20 to 50 feet above the ground, or in some cases even higher. Requiring an installer standing on a roof to first unscrew and remove all of the attached fasteners from wax or plastic sockets that have been integrally formed about the threads of such fasteners likely would create an unnecessary risky condition in addition to the further work created on the part of the installers. By contrast, with the present invention, installers are provided with secure and easy access to the specialized roofing nails typically required for the mounting of ridge vents to the roof, without having to unscrew or perform some other similar method of removal of all the fasteners to enable proper seating of the ridge vents followed by reinstallation of the fasteners in the same holes. Instead, with the claimed invention, the installer is able to simply remove the fasteners as needed from a conveniently stowed position, without interference with the ventilation aspects of the ridge vent, and thereafter apply the fasteners in desired locations for securing the ridge vent to the roof.

Neither *Smith* nor *Zampini, Jr., et al.*, either alone or in combination, teaches such convenient arrangement. The screws of *Zampini, Jr., et al.* are stored in the same position prior to installation as they are after the switch plate is installed, while *Smith* simply discloses respective bores formed through a molded guide and into which anchoring nails are later pounded to attached his roof vents to the roof decking panels. Thus, neither reference, alone or in combination, discloses the anchoring nails being provided in an accessible storage position along the ridge vent sections prior to arrangement of the ridge vent sections on a roof, and after proper seating/positioning of the ridge vent sections, the fasteners can be quickly and easily removed and applied in a fastening position that is different from the storage position when the ridge vent sections are fastened to the roof as claimed.

Accordingly, it is respectfully submitted that the proposed combination of *Smith* and *Zampini, Jr., et al.* is not obvious and fails to render unpatentable the ridge ventilation system as recited in Claims 1, 6-19, 21-26 and 28-39. Accordingly, the rejection of these claims under 35 U.S.C. § 103(a) in view of the proposed combination of *Smith* and *Zampini, Jr., et al.* should be withdrawn.

With regard to Claims 40, 41 and 42, these claims additionally have been rejected under 35 U.S.C. § 103(a) based upon the proposed combination of *Smith* in view of *Zampini, Jr., et al.*

as applied with regard to Claims 1, 16, 26 and 32, and in further view of *Sharp*. The rejection notes that *Smith* in view of *Zampini, Jr., et al.* “does not teach fasteners being positioned to be removed by an installer of a ventilation system for use at locations different from first locations in fastening the vent sections to a structure; or the fasteners being in a storage position prior to arrangement of the vent sections on a roof being in a fastening position different from the storage position when the vent sections are fastened to the structure.” The rejection, however, states that *Sharp* purportedly teaches the fasteners being positioned for removal by an installer (a pre-nail position) for use at locations (nailed in location) that are different from the pre-nail positions for fastening vent sections to a structure. The rejection asserts that it would have been obvious to one of ordinary skill in the art to modify *Smith* in view of *Zampini, Jr., et al.* in view of the storage position of *Sharp* to try to form the claimed invention. Applicant respectfully requests reconsideration.

Applicant respectfully submits that *Sharp* fails to cure the deficiencies of *Smith* and *Zampini, Jr., et al.* in trying to form the claimed invention. Contrary to the assertion made in the Official Action that *Sharp* somehow shows nails were being provided in a position to be removed by an installer for use at separate, different locations, it appears that such a feature is not taught by *Sharp*. As discussed in the recited passage (Col. 10, ll. 29-52) of *Sharp*, nails 200 are glued in place between lips 212, and in particular, these upper and lower lips 212 are spaced and “adapted to frictionally secure therebetween a nail 200 of a preselected size,” with adhesive 214 further being used to secure the nail between the lips. What does not appear to be shown, however, is the removal of the nails 200 from between these lips 212 and thereafter repositioning the nails at some other position or location along a roof vent for application of the nails. Instead, it appears that the nails 200, which are glued to an angular wedge 216, are simply driven or pounded into the supporting frame onto which *Sharp*’s ventilator is applied, with the fasteners 200 simply being driven into the openings between the lips 212 as indicated in Fig. 20. Such a system does not appear much different from the wax or plastic socket of *Zampini, Jr., et al.* in which the fasteners are secured while within the openings to which they are to be mounted. In addition, following the teachings of *Sharp* would still require that the fasteners of *Zampini, Jr., et al.* be mounted within the mounting openings of the *Smith* roof vent and secured thereto by molten plastic or wax. As discussed above, such location and securing of the fasteners within their actual mounting holes would, however, likely interfere with the positioning and location of

the ridge vents, making it difficult for the ridge vents to be properly seated over the ridge or peak of a roof since the fasteners would already be extended therethrough, and thus would require removal of all of the fasteners before the ridge vents even could be used.

Accordingly, it is respectfully submitted that *Sharp*, when considered in its entirety, fails to cure the deficiencies of *Smith* and *Zampini, Jr., et al.* in trying to form the claimed invention, as acknowledged in the Official Action. It is therefore respectfully submitted that the rejection of Claims 40, 41 and 42 under 35 U.S.C. § 103(a) in view of the combination of *Smith* and *Zampini, Jr., et al.* as further modified by *Sharp* should be withdrawn.

## 2. Claim 20

Claim 20 also has been rejected under 35 U.S.C. § 103(a) as purportedly being unpatentable over the combination of *Smith* in view of *Zampini, Jr., et al.* as modified in further view of *Sharp* “as applied to Claim 17 above, and further in view of *Gates*” (U.S. Patent No. 5,149,301). The rejection asserts that the “four references, when considered together, teach all of the elements recited in Claim 20 of this application.” More specifically, the rejection asserts that *Smith* as modified by *Zampini, Jr., et al.* purportedly discloses all the elements of base Claim 17 from which Claim 20 depends, but *Smith*, acknowledges that as modified by *Zampini, Jr., et al.*, fails to teach upstanding barriers positioned along drain troughs and aligned with weep holes for preventing rain from being blown through said weep holes and into said ventilation grids as taught by Claim 20. *Gates* is cited as purportedly teaching a roof ridge ventilator having drain troughs, weep holes and upstanding barriers (inner, wind deflecting baffles 32 positioned along the drain troughs for the purpose of preventing wind driven rain and/or snow from being blown through the weep holes and into the ventilator. As to *Sharp*, while the rejection initially references *Sharp*, no discussion of how *Sharp* would be applied in this proposed combination for rejecting Claim 20 is set forth in the rejection. Applicant respectfully requests reconsideration.

The teachings of *Smith* and *Zampini, Jr., et al.* and the failure of the proposed combination thereof in attempting to form the invention recited by Claims 1 and 16-17 is discussed above. Thus, the overall proposed combination of *Smith*, *Zampini, Jr., et al.* as further modified by *Gates* fails to establish a *prima facie* case of obviousness for at least the reasons that the proposed combination fails to include all the elements recited by Claims 16 and 17, from which Claim 20 depends, and therefore Claim 20, as presently pending, is believed to be

patentable over the suggested combination of *Smith, Zampini, Jr., et al.* and *Gates*. It is therefore respectfully submitted that the rejection of Claim 20 under 35 U.S.C. § 103(a) should be withdrawn.

**D. Allowable Subject Matter**

Claims 10 and 12-15 have now been allowed.


Claims 2-9 further have been objected to as being depended upon a rejected base claim, but are stated to be allowable if rewritten in independent form, including all the limitations of the base claim and intervening claims. As discussed more fully above, Claim 1, from which Claims 2-9 depend, is believed to be allowable over the cited art of record. It therefore is believed that the objection of Claims 2-9 is obviated in view of the allowability of Claim 1 and therefore withdrawal of this objection is respectfully requested.

### Conclusion

In summary, it is respectfully submitted that original Claims 1-10 and 12-15, and new Claims 16-24, 26 and 28-42, as presently pending, define a ridge ventilation system that provides a distinct advance in the art that is taught or made obvious by the cited art of record. An early notice of allowance accordingly is solicited. Should the Examiner have any questions or if there remain any issues that can be resolved by the Examiner's amendment, she is invited and urged to telephone the undersigned attorney.

Respectfully submitted,

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